

§ 221.123 Reissue of matter continued in effect by suspension to be canceled upon termination of suspension.

When tariff provisions continued in effect by a suspension are reissued during the period of such suspension, the termination of the suspension and the coming into effect of the suspended matter will not accomplish the cancellation of such reissued matter. In such circumstances, prompt action shall be taken by the issuing agent or carrier to cancel such reissued provisions upon the termination of the suspension in order that they will not conflict with the provisions formerly under suspension.

Subpart J—Vacating the Suspension of Tariff Matter

§ 221.130 Tariff must be amended to make suspended matter effective.

(a) When the Board vacates an order which suspended certain tariff matter in full or in part, such matter will not become effective until the termination of the suspension period unless the issuing agent or carrier amends the pertinent tariffs in the manner prescribed in this subpart (except as provided in paragraph (b) of this section).

(b) If the Board vacates its suspension order prior to the original published effective date of the tariff provisions whose suspension is vacated, such provisions will become effective on their published effective date without filing a vacating supplement as required by this subpart.

§ 221.131 Vacating supplement.

(a) Subject to §§ 221.132 and 221.133, the tariff, supplement, page, item, rule, fare, rate, or other tariff provision whose suspension has been vacated by an order of the Board may be made effective prior to the termination of the suspension period only by issuing and filing to the tariff containing the suspended matter a supplement (referred to in this subpart as a vacating supplement) which shall conform with the following requirements:

(1) Such vacating supplement shall be issued on not less than one day's notice unless otherwise provided by the Board's vacating order.

(2) Such vacating supplement may be filed to a loose-leaf tariff as well as a book tariff.

(3) Such vacating supplement shall contain a vacating notice which shall specify the tariff matter whose suspension is vacated and shall state the specific date on which such matter will become effective. Such date shall be the same effective date as the effective date of the vacating supplement and must be earlier than the date to which the tariff matter was suspended. The vacating notice shall be published on the title page of the supplement (immediately below the description of contents and territory) or at the top of the next page.

(4) Such vacating supplement shall direct the cancellation of the suspension supplement if all suspended matter covered by the suspension supplement is being vacated.

(5) Such vacating supplement shall contain no tariff provisions other than those specifically authorized to be included therein by this section and § 221.132, and those required by other regulatory bodies.

(6) The title page of such vacating supplement shall contain reference to this subpart and to the Board's vacating order to be shown immediately above the issued and effective dates in the following manner:

Issued under authority of subpart J, part 221 of the Economic Regulations and Order No. ____ in Docket No. ____ of the Civil Aeronautics Board.

(b) [Reserved]

§ 221.132 When tariff amendments in addition to vacating supplement are required.

(a) *Notice and effective date.* All amendments made pursuant to this section shall be filed on not less than one day's notice, unless otherwise provided by the Board's vacating order, and shall bear the same effective date as the effective date of the vacating supplement filed pursuant to § 221.131, except as otherwise provided in paragraph (h) of this section, and except that the effective date of any tariff provisions other than the vacated matter shall not be advanced under this authority. All tariff amendments made pursuant to this section which are not published in the vacating supplement

shall bear the reference required by § 221.131(a)(6).

(b) *When a loose-leaf page suspended in part has been reissued.* When a loose-leaf page is suspended in part and such suspension is vacated in its entirety by the Board but, prior to such vacating of the suspension, the page has been canceled (except as to matter under suspension) by a subsequent revision of that page, the following tariff amendments shall be made in addition to issuing and filing a vacating supplement pursuant to § 221.131:

(1) A consecutive revision in the series of the page containing the suspended matter shall be issued which shall (i) republish the suspended matter without change, (ii) cancel the matter continued in effect by the suspension (if published on the preceding revisions of the page) and (iii) complete the cancellation of the page which contained the suspended matter. The latter cancellation shall be set forth (below the C.A.B. and page numbers in the upper right-hand corner of the page) in the manner shown in the following example:

3rd Revised Page 20

cancels

2nd Revised Page 20

(and completes the cancellation of 1st
Revised Page 20)

In the above example, the 3rd revision (filed pursuant to this paragraph) cancels the 2nd revision and completes the cancellation of the 1st revision (which was previously canceled by the 2nd revision except as to the suspended matter).

(2) [Reserved]

(c) *When a loose-leaf page continued in effect by suspension of entire revised page has been reissued.* When an entire revised page has been suspended and the Board fully vacates such suspension but prior to such vacating of the suspension, the page continued in effect by such suspension has been revised, the following tariff amendments shall be made in addition to issuing and filing the vacating supplement pursuant to § 221.131:

(1) A consecutive revision in the series of the suspended page shall be issued and filed which shall (i) repub-

lish the suspended tariff provisions without change, (ii) cancel the reissue of the tariff provisions which were continued in effect by the suspension, and (iii) include the cancellation of the revised page whose suspension has been vacated.

(2) [Reserved]

(d) *When provisions continued in effect by suspension of supplement (in full or part) have been reissued in a supplement.* When the Board has suspended in full or in part, a supplement to a book tariff and such suspension is vacated by the Board but (prior to such vacating of the suspension) all or part of the provisions which were continued in effect by the suspension have been reissued in a subsequent supplement to the same tariff, the vacating supplement shall include the following amendments:

(1) The vacating supplement shall cancel such reissue of the provisions continued in effect by the suspension.

(2) The vacating supplement shall republish without change the respective suspended provisions which are to supersede the provisions canceled pursuant to paragraph (d)(1) of this section and shall cancel such suspended provisions from the supplement which was under suspension.

(e) *When partially suspended item, rule, or similar unit in a book tariff or supplement has been reissued in a supplement.* When the Board has suspended, in part, a numbered item, rule, or similar unit in a book tariff or supplement and such suspension is fully vacated by the Board but (prior to such vacating of the suspension) the partially suspended item, rule, or similar unit has been canceled except as to the suspended matter by a subsequent issue of such item, rule, or unit, the vacating supplement shall amend such items, rules, or similar units as specified below:

(1) The tariff provisions whose suspension is vacated shall be republished without change.

(2) The tariff provisions which were continued in effect by such suspension shall be canceled.

(3) The cancellation of the partially suspended item, rule, or similar unit shall be completed in the manner shown in the following example:

Item No. 10–C

 cancels

Item No. 10–B

(and completes the cancellation of Item No. 10–A)

In the above example, Item No. 10–C in the vacating supplement directs the cancellation of the current Item No. 10–B and completes the cancellation of Item No. 10–A (which has been previously canceled by Item No. 10–B except as to the suspended matter).

(f) *When tariff continued in effect by suspension has been amended by supplement or loose-leaf page.* When the Board fully vacates the suspension of an entire tariff but, prior to such action, the tariff which was continued in effect by the suspension has been amended by supplement or loose-leaf page, the following tariff amendments shall be made in addition to issuing and filing the vacating supplement pursuant to § 221.131:

(1) If the suspended tariff is a book tariff, the vacating supplement issued to such tariff shall set forth as reissued matter (without change) any changes or additions which were lawfully published in the tariff continued in effect by the suspension but which are not included in the suspended tariff.

(2) If the suspended tariff is a loose-leaf tariff loose-leaf pages shall be issued thereto and such pages shall set forth as reissued matter (without change) any changes or additions which were lawfully published in the tariff continued in effect by the suspension but which are not included in the suspended tariff.

(g) *When tariff continued in effect by suspension has been reissued.* When the Board fully vacates the suspension of an entire tariff but, prior to such action, the tariff which was continued in effect by such suspension has been reissued, the following tariff amendments shall be made in addition to filing the vacating supplement pursuant to § 221.131:

(1) A supplement shall be issued and filed to the tariff containing the reissued tariff provisions which were continued in effect by the suspension and such supplement shall cancel that tariff in its entirety.

(2) Any changes or additions which have been lawfully published in the tariff specified in paragraph (g)(1) of this section but which are not included in the suspended tariff shall be republished:

(i) As reissued matter (without change) in the vacating supplement issued to the suspended tariff if the latter is a book tariff, or

(ii) As reissued matter (without change) in revised pages or additional original pages issued to the suspended tariff if the latter is a loose-leaf tariff.

(h) *When a tariff suspended in part has been reissued.* When a tariff has been suspended in part (or has a supplement suspended in full or in part) and the Board fully vacates such suspension but, prior to the vacating of the suspension, a new tariff has been issued which directs the cancellation of the partially suspended tariff (except as to the suspended provisions), the following tariff amendments are required in order to make the suspended tariff provisions effective under authority of the Board's vacating order:

(1) When the suspended tariff provisions are to be made effective prior to the effective date of such new tariff, a vacating supplement shall be issued and filed to the partially suspended tariff together with any amendments required by other paragraphs of this section. Also, the new tariff shall be amended in the manner prescribed by § 221.110 for the purpose of establishing the following amendments effective on the effective date of the new tariff:

(i) The tariff cancellation shown on the title page of the new tariff shall be amended so that it fully cancels the former tariff by C.A.B. number instead of canceling it "except portions under suspension in C.A.B. Docket No. ____".

(ii) The tariff provisions whose suspension has been vacated in the former tariff shall be republished without change in the new tariff.

(iii) The reissue of the tariff provisions which were continued in effect by the suspension shall be canceled from the new tariff.

(2) When the suspended tariff provisions are to be made effective on or after the effective date of such new tariff, a vacating supplement shall not be issued to the partially suspended tariff

but a supplement shall be issued and filed to such tariff which shall cancel the suspended provisions, refer to such provisions as republished in the new tariff, and complete the cancellation of the tariff. The latter cancellation shall be set forth in the upper right corner of the supplement's title page (below the supplement and C.A.B. numbers) in the manner shown in the following example:

Supplement No. 3

to

C.A.B. No. 6

(completes the cancellation of C.A.B. No. 6)

Also, the new tariff shall be amended simultaneously in the manner prescribed by §221.110 for the purpose of accomplishing the following amendments:

(i) The tariff provisions in the former tariff whose suspension has been vacated by the Board shall be republished without change in the new tariff.

(ii) The reissue of the tariff provisions which were continued in effect by such suspension shall be canceled from the new tariff.

§221.133 When Special Tariff Permission is required to file amendments making suspended matter effective pursuant to vacating order.

When tariff provisions continued in effect by a suspension have been reissued prior to the Board's vacating the suspension and §221.132 does not authorize the amendments necessary to cancel such provisions in order to prevent a conflict with the tariff provisions whose suspension is being vacated, a vacating supplement shall not be issued and filed. In such circumstances, the issuing agent or carrier shall file an application for Special Tariff Permission specifically setting forth the amendments which are proposed to be issued and filed on one day's notice (unless the Board's vacating order provides otherwise) for the purpose of making the suspended matter effective and canceling the reissue of the tariff provisions continued in effect by the suspension. Upon approval of such application, the issuing agent or carrier shall then file the amendments authorized thereunder.

Subpart K—Canceling Suspended Matter in Compliance With Board's Order

§221.140 Notice required when canceling suspended matter in compliance with Board's order.

When the Board orders the cancellation shall be filed on not less than one other tariff provisions theretofore suspended by the Board, the tariff amendments which accomplish such cancellation of rates, fares, charges, rules, or day's notice to the Board and the public unless otherwise provided by the Board's order. The tariff amendments which accomplish such cancellation of suspended matter shall bear reference to this subpart and the Board's order in the following manner:

Issued in compliance with subpart K of Economic regulations and Order No. ____ in Docket No. ____ of the Civil Aeronautics Board.

§221.141 Cancellation of suspended matter subsequent to date to which suspended.

(a) *Endeavor to cancel prior to expiration of suspension period.* When an order of the Board requires the cancellation of tariff provisions which were suspended by the Board and such cancellation is required to be made effective on or before a date which is subsequent to the date to which such tariff provisions were suspended, the issuing carrier or agent shall, if possible, make the cancellation effective prior to the date to which such tariff provisions were suspended.

(b) *When necessary to republish matter continued in effect by suspension.* If suspended tariff provisions become effective upon expiration of their suspension period and thereby accomplish the cancellation of the tariff provisions continued in effect by the suspension, the issuing agent or carrier shall republish and reestablish such canceled tariff provisions effective simultaneously with the cancellation of the suspended provisions in compliance with the Board's order. The tariff amendments which reestablish such canceled tariff provisions shall bear reference to this subpart and the Board's order in the manner shown in §221.140.